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OFFICE OF PETITIONS

In re Application of
Omatsu, et al.
Application No. 09/871,752
Filed: 1 June, 2001
Attorney Docket No.: SAEGU82.001AUS

DECISION ON PETITION

This is a decision on the petition filed on 12 April, 2002, styled "Petition for Notice of Incomplete Reply (Nonprovisional)" and considered under 37 C.F.R. §1.53 requesting that page 4 of the specification of the above-identified non-provisional application be accorded a filing date of 1 June, 2001.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

The application was originally deposited (via Express Mail Label No EL721615030US) in Japanese on 1 June, 2001, and the filing perfected certified copies of the Japanese application on 16 July, 2001, and an English translation on 16 January, 2002.

The application as filed on 1 June, 2001, in Japanese consisted, *inter alia*, of 16 pages of specification and this converted in the 16 January, 2002, filing to an "English translation of the specification in 31 pages" consecutively numbered.

The Office mailed, *inter alia*, on 11 March, 2002, a "Notice of Incomplete Reply (Nonprovisional)" in which Petitioner was informed that page 4 of the specification (description and claims) appeared to have been omitted from the application. The Notice further indicated that the Applicant must respond within two months of the Notice mail date.

Petitioner filed on 12 April, 2002, a response with the instant petition, a copy of the Office-stamped filing receipt card, a copy a document purporting to be the entire English translation, including page 4 of the specification (description and claims), a check in payment of the $130.00 petition fee.

The copy of the date stamped (16 January, 2002) receipt card (with without the Office bar

code/application number) filed with the instant petition indicates that the English translation of the application was filed with, *inter alia*, 31 pages of specification, including claims and abstract.

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that pages 1-138 of specification (description and claims), including page 4, were filed on 16 January, 2002, perfecting the Japanese-language filing on 1 June, 2001, and that the page 4 was subsequently misplaced in the Office.

Accordingly, the petition is **granted**.[1]

The Notice mailed on 11 March, 2002, hereby is withdrawn to the extent that it addresses the alleged omission of page 4 of the (English translation of the) specification.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 1 June, 2001, using pages 1- 3 and 5 - 31 of the English translation of the specification (claims and abstract) filed on 1 June, 2001, and the page 4 supplied on 12 April, 2002, with an indication on the PALM bib data sheet that pages 1 - 31 of the English translation of the specification (description, claims and abstract) were present on filing.

Telephone inquiries concerning this matter may be directed to John J. Gillon, Jr., Senior Attorney, Office of Petitions, at (703)305-9199.

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[1] Pursuant to Petitioner's authorization, the petition fee ($130.00) is being refunded to Deposit Account 11-1410.